

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Nicholas M. Martella and Kiersten N. Martella

Chapter 13

Debtors

Case No.: 18-17641

**MOTION FOR AUTHORITY TO SELL REAL PROPERTY FREE AND
CLEAR OF LIENS AND ENCUMBRANCES**

NOW INTO COURT COME, Nicholas M. Martella and Kiersten N. Martella, hereinafter referred to as "Debtors", and bring this Motion to Sell Real Property under Eastern District of Pennsylvania Local Rule 6004-1 and Section 363 of the United States Bankruptcy Code and in support thereof avers the following:

1. Debtor commenced the instant Chapter 13 matter on November 16, 2018 by filing a Voluntary Petition.
2. The Chapter 13 Plan has not yet been confirmed at the time of filing the instant motion.
3. The subject real property is located at 3681 N. Hereford Lane, Philadelphia, PA 19114 (hereinafter referred to as "the property") and is owned by the Debtor Husband, Nicholas M. Martella individually.
4. Debtors believe it to be in their best financial interest to sell the property.
5. In furtherance of the sale, Debtor retained the services of Maurice Rollins, a licensed realtor with Mercury Real Estate Group.
6. On or about April 1, 2019, Debtor, by and through his realtor entered into an Agreement of Sale of the property in the amount of \$225,000.00. A true and correct copy of the Agreement of Sale is attached hereto and labeled as "**Exhibit A.**"
7. The settlement date for the sale of the subject property was scheduled for April 30, 2019.
8. The sale of the property will be postponed by agreement of the parties based on the need to file the instant motion.

9. The Buyer, "Neway Atnafu," is not an insider of the Debtors and the sale represents and arms-length transaction between the parties made without fraud and/or collusion.
10. From the sale proceeds the Debtors intend to satisfy their mortgage lien held by Pennsylvania Housing Finance Agency in the approximate amount of \$180,000.00 per proof of claim numbered 28-1 filed in the instant matter.
11. At the time of filing the instant Motion, a Settlement Statement is not yet available; however, the Debtor is desirous of receiving the total exemption in the sum of \$23,675.00 from the sale proceeds.
12. Any remaining proceeds from the sale of the property, after the Debtor's exemption up to \$23,675.00 is paid directly to the debtor at settlement, shall be paid from the Title Agency to the Chapter 13 Trustee for Distribution under the Debtor's Chapter 13 Plan.

WHEREFORE, Debtor, respectfully requests that the Court enter an Order: (i) Granting this Motion, (ii) Authorizing the Debtors to sell the Property to the proposed buyer under the terms of that Agreement for the Sale of Real Estate free and clear of liens, claims interests and encumbrances, and, (iii) Granting the Debtors such other and further relief to which they may be justly entitled.

Dated: April 15, 2019

/s/Brad J. Sadek, Esq.

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